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EXAMINER				
NISSAN, BARAK				
ART UNIT		PAPER NUMBER		
2142				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/552,154

Applicant(s)

UESHIMA ET AL.

Examiner

BARAK NISSAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23, 26, 27 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 23, 26, 27 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to Applicant's reply filed under 37 CFR 1.111 on 2/12/2008. Claims 1-10, 12-17, 19-21, 23, and 29 have been amended, new claims 30-36 have been added, claims 22, 24, 25, and 28 have been cancelled, and claims 1-21, 23, 26-27, and 29-36 remain pending.

Response to Amendment

2. Amendment to the claim 25 in response to examiner's objection for insufficient antecedent basis has been considered. The amendment to the claim obviates previously raised objection, as such this rejection hereby withdrawn.

Amendment to the claims 1-19 in response to examiner's rejection under 35 U.S.C. 101 has been considered. The amendment to the claims obviates previously raised rejection, as such this rejection hereby withdrawn.

Amendment to the claims 1 and 19 in response to rejection under 35 USC 112, second paragraph has been considered. The amendment to the claim obviates previously raised objection, as such this rejection hereby withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 33, 34, and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

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As to Claim 33, it is indefinite in that it fails to point out the transitional phrases. For that reason, the claim is unclear if it open-ended or closed-ended. Thereby, one is unable to identify where the preamble ends and where body of the claims begins.

As to Claims 34 and 36, these claims depend on claim 33, thereby these claims are rejected for the same reasons as above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 6, 14, 17, 18, 20-21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujitsu Limited (JP 8-77263 corresponds to US 6,278,984) on March 22, 1996 for the reasons given in the International Search Report for the corresponding PCT application PCT/JP04/009763.

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7. Claims 1, 6, 9, 12, 14, 18-21, 23, 30, and 33 are rejected under 35 U.S.C. 102(c) as being anticipated by Sato et al. (US 2003/0041123).

8. Regarding claim 1, Sato teaches a data delivery system (i.e. communication system, abstract) comprising:

a server that delivers data through a network (i.e. website server (20) delivers the data to the user through the network, Figures 1 and 7); and

a writer unit (user terminal [30]) that receives said data from said network [content data downloaded] to write said data to a recordable medium (i.e. the user terminal receives the data from the website server provider and writes the data onto a disc (optical disc/CD-R) when inserted, Figures 1 and 7),

wherein said writer unit writes said data only once in a writable storage area, where data has not been written [e.g. CD-R], of said recordable medium only when said recordable medium is appropriate for said data delivery system (i.e. the user terminal can write data once in a storage area of CD-R disc appropriate for recording downloaded content data, see paragraph 0033).

9. Regarding claim 6, Sato teaches:

a unit operable to transmit identification information of said recordable medium to said server (i.e. user terminal transmits the disc ID data (s19) to the server, Fig. 7).

10. Regarding claim 9, Sato teaches:

wherein said writer unit and a receiver unit that receives said data from said server are separately provided and connected to each other by a wired or wireless link (i.e. the USB interface exchanges data in wired relation with another device, and communication unit (47) exchanges data with the server over the network, see paragraphs 0073-0074).

11. Regarding claim 12, Sato teaches:

wherein said writer unit and a receiver unit [e.g. communication unit (47) that receives said data from said server are integrally provided (i.e. the user terminal and the communication unit which receives the data from server are provided, see paragraphs 0081-0082).

12. Regarding claim 14, Sato teaches:

wherein said data delivered by said server is music data (i.e. the data requested by the user terminal is music data, see paragraph 0056).

13. Regarding claim 18, Sato teaches:

wherein said recordable medium is a recordable medium to which data can only be written once in an area in which no data is written yet (i.e. CD-R is a disc that can only be written on once in which no data has been written yet, see paragraph 0046).

14. Regarding claim 19, Sato teaches:

wherein data and/or computer program for use in processing the data that is delivered and written to said recordable medium is initially written to said recordable medium (i.e. the browser on the user terminal determines whether the download start command is received from server, and if so the browser starts to download the content data and the data will be transferred to the recordable medium, see paragraphs 0100-0102).

15. Regarding claim 20, Sato teaches:

a unit that receives data delivered by a server through a network (i.e. the user (D) accesses the data from the server through the network, Fig. 1, see paragraph 0039);

a writer unit (user terminal (30)) that writes said data only once in a writable storage area (i.e. the

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hard drive writes the data only once to CD-R), where data has not been written, of said recordable medium (i.e. the hard drive/user terminal writes the data only once to CD-R), only when said recordable medium is appropriate for a certain data delivery system (see paragraphs 0033 and 0063).

16. Regarding claim 21, Sato teaches:

a receptacle device that receives said recordable medium (i.e. the user terminal receives the read-only optical discs from record shop [B], see paragraph 0035) ; and

a writer unit (user terminal (30)) that writes said data only once in a writable storage area, where data has not been written, of said recordable medium (i.e. the hard drive writes the data only once to CD-R), only when said recordable medium is appropriate for a certain data delivery system (see paragraphs 0033 and 0063, Fig. 1).

17. Regarding claim 23, this claim comprises a method corresponding to the apparatus described in claim 1. Thus, claim 23 is rejected for the reasons given with respect to claim 1.

18. Regarding claim 30, this claim comprises a recordable medium which corresponds to the apparatus described in claim 1. Thus, claim 30 is rejected for the same reasons.

19. Regarding claim 33, it is an apparatus claim directed to just the server of apparatus claim 1. It is rejected for the same reasons.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 2, 31, 32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Heemskerk (US 6,031,815).

22. Regarding claim 2, Sato teaches the invention substantially as claimed. See the rejection of claim 1 above.

Sato also teaches a system wherein:

the data which corresponds to one content is written under a once only restriction in one free storage area from among said predetermined number of storage areas (i.e. the content data that is being received from the server is recorded onto the CD-R disc which is restricted to one storage unit from other storage areas, see paragraph 0046-0050).

However, Sato does not teach a storage space of said recordable medium is divided into a predetermined number of storage areas each of which has the same capacity.

Heemskerk, on the other hand teaches a system in which the storage space of the disc is divided into areas so called sectors which have the same size, col 4 lines 19-26).

It would have been obvious to one of ordinary skilled in the art at the time of invention was made to modify the communication system in view of Sato to include a storage space of the recordable medium that is divided into a predetermined number of storage areas each of which has the same capacity taught by Heemskerk. One would be motivated to combine these teachings because storage areas on a disk are predetermined to how much space of data can fit within the sector when written (col 4 lines 19-26, Heemskerk).

23. Regarding claim 31, it is a recordable medium claim directed to the apparatus described in claim 2. Thus claim 31, is rejected for the reasons given with respect to claim 2.

24. Regarding claim 32, the combination of Sato and Heemskerk teaches the invention substantially as claimed. See the rejection of claim 30 above.

Regarding the additional limitations of claim 32, Heemskerk teaches:

the storage space of said recordable medium is divided into a predetermined number of storage area (i.e. the storage area are divided into sectors of the disk, col 4 lines 19-26 [Heemskerk], and

wherein said writing device (e.g. user terminal [30]) consumes the storage areas in accordance with an amount of the content when said writing device writes the data to the recordable medium (i.e. the user terminal takes the data from the storage units, downloads it through the server and writes the data of content onto the CD-R disk or optical disk, see paragraphs 0046-0050 [Sato]).

25. Regarding claim 34, it is the server claim directed to just the server of apparatus claim 2. It is rejected for the same reasons.

26. Regarding claims 35 and 36, Sato in view of Heemskerk shows all the elements, as discussed per claim 32 above.

27. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Turpin et al. (US 6,144,992).

28. Regarding claim 3, Sato teaches the invention substantially as claimed. See the rejection of claim 1 above.

Sato does not teach a unit operable to transmit predetermined information to said server when the write operation to said recordable medium is successfully completed.

Turpin, on the other hand, teaches in which a master computer transmits predetermined information slave computer (col 7 lines 9-12) when the write operation to the recordable medium is successfully completed (i.e. when the transferring of information from master [client terminal] to slave [server] is complete and the complete track is flushed to disk, (col 9 lines 9-11) the "Goodbye" message (state 410) is sent back to master, col 8 lines 47-53).

It would have been obvious to one of ordinary skilled in the art at the time of invention was made to modify the communication system in view of Sato to include transmission from client to server when data is fully completed taught by Turpin. One would be motivated to combine these teachings because once the written data is recorded onto the disk there should be a message indicating to the master computer that the transfer is successfully complete (col 8 lines 47-53).

29. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Kobayashi et al. (US 2005/0196129).

30. Regarding claim 4, Sato teaches the invention substantially as claimed. See the rejection of claim 1 above.

Sato teaches:

wherein said server transmits said data to said writer unit (i.e. server transmits data to user terminal, Fig. 1).

However, Sato does not teach when information about said recordable medium indicates a free space having a size larger than that of said data as requested for delivery.

Kobayashi, on the other hand, teaches a system in which indication of free space having a size larger than that of data for delivery (paragraph 0051). Particularly, teaching the step of comparing the free space of hard disk against the size of the data to be recorded. If the size of the data to be recorded is not larger than the free space, data is written by a writing unit by issuing an indication to write instruction.

It would have been obvious to one of ordinary skilled in the art at the time of invention was made to modify the communication system in view of Sato to include indication of the free space having a size larger than that of data being delivered onto the recordable medium taught by Kobayashi. One would be motivated to combine these teachings because recognizing how much free space on is the disk before storing any content data. If the size is larger than what is available on the disk, data will be written by the writing unit by issuing the write indication (see paragraph 0051).

31. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Hsu et al. (US 2004/0199687).

32. Regarding claim 5, Sato teaches the invention substantially as claimed. See the rejection of claim 1 above.

Sato does not teach a unit operable to erase said data which is temporarily saved for writing when the write operation to said recordable medium is successfully completed.

Hsu, on the other hand, teaches client terminal (e.g. user device) erases said data (i.e. pictures) which is saved (i.e. stored onto card) for writing when the write operation to said recordable medium (e.g. CD-R) is successfully completed (paragraph. 0068).

It would have been obvious to one of ordinary skilled in the art at the time of invention was made

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to modify the communication system in view of Sato to include the device that erases data which is temporarily saved for writing when the write operation to said recordable medium is successfully completed taught by Hsu. One would be motivated to combine these teachings because the device can automatically erase the data from device after is has completely been burned onto a disk.

33. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Hensley (US 2004/011250).

34. Regarding claim 7, Sato teaches the invention substantially as claimed. See the rejection of claim 1 above.

Sato teaches a unit operable to display information about the data already written to said recordable medium (i.e. the table displays the information of what has been downloaded already to the disk owned by the user terminal [D, Fig. 1], see paragraph 0056).

However, Sato does not teach a maximum size of data which can be written to a free space of said recordable medium.

Hensley, on the other hand, teaches wherein a maximum size of data which can be written to a free space of a recordable medium (see paragraph 0021).

It would have been obvious to one of ordinary skilled in the art at the time of invention was made to modify the communication system in view of Sato to include having a maximum size of data written to the free space of the recordable medium taught by Hensley. One would be motivated to combine these teachings because knowing the maximum size of the disk can determine how much content data can be stored onto it (see paragraph 0021).

35. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Okamura (US 2004/0133550).

36. Regarding claim 8, Sato teaches the invention substantially as claimed. See the rejection of claim 1 above.

Sato does not teach a unit operable to display a message that the data which is about to be written to said recordable medium matches data which has already been written to said recordable medium when such a match occurs.

Okamura, on the other hand, teaches client terminal displays a message that the data which is about to be written to said recordable medium (e.g. folder on the hard drive, Fig. 5) matches data which has already been written to said recordable medium when such a match occurs (paragraph 0033).

It would have been obvious to one of ordinary skilled in the art at the time of invention was made to modify the communication system in view of Sato to include a unit operable to display a message that the data which is about to be written to the recordable medium matches data which has already been written to the recordable medium when such a match occurs taught by Okamura. One would be motivated to combine these teachings because a warning message being displayed on the computer would help the user know that the same data is overwritten on recordable medium (Okamura, 0033).

37. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of DiscJuggler User's Guide (January 24, 2003).

38. Regarding claim 10, Sato does not teach:

wherein a unit operable to display a first predetermined indication when said writer unit is not connected to the receiver unit and a second predetermined indication when said recordable medium is not connected to said writer unit.

DiscJuggler User's Guide, on the other hand, teaches wherein said client terminal displays a first predetermined indication (error message) when said writer unit (e.g. writing drive) is not connected to

receiver unit (e.g. computer) and a second predetermined indication when said recordable medium (e.g. cd disk) is not connected to said writer unit (page 240).

It would have been obvious to one of ordinary skilled in the art at the time of invention was made to modify the communication system in view of Sato to include an indication that the writer unit is not connected to the device or the recordable medium taught by DiscJuggler User's Guide. One would be motivated to combine these teachings because there should be an indication where the writer unit is disconnected to the driver of the fact that the data written is unable to read from the disk (page 240, [DiscJuggler User's Guide]).

39. Regarding claim 13, this claim comprises unit operable that displays an indication that recordable medium not connected to writer unit is described in claim 10. Thus, claim 13 is rejected for the same reasons.

40. Claims 11, 16, 17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Kato et al. (US 5,886,275) (referred to Kato hereafter).

41. Regarding claim 11, Sato does not teach wherein said writer unit is implemented within a microphone type karaoke device.

Kato, on the other hand, teaches wherein said writer unit (e.g. disk drive) is implemented within a microphone type karaoke device (audio mixer, Fig. 6).

It would have been obvious to one of ordinary skilled in the art at the time of invention was made to modify the communication system in view of Sato to include microphone type karaoke device taught in Kato. One would be motivated to combine these teachings because in order to record voice signals onto a CD disk you would need a karaoke device that has a microphone.

42. Regarding claim 16, the combination in view of Sato and Kato taught a system wherein

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said data delivered by said server is music data (Sato, see paragraph 0056) and image data of karaoke (Kato, see abstract).

43. Regarding claim 17, the combination in view of Sato and Kato taught a system wherein said data delivered by said server is game data (i.e. the data being delivered by server is game data, col 9 lines 53-55 [Kato]).

44. Regarding claim 26, the combination in view of Sato and Kato taught a system wherein said content is karaoke data (e.g. music/songs, "Big hits in July 2001" see paragraph 0056), and said content using system is a karaoke playback system (e.g. karaoke terminals, Fig. 1) which plays back the karaoke data (Kato, col 10 lines 3-5).

45. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Keller et al. (US 6,587,403).

46. Regarding claim 15, Sato teaches the invention substantially as claimed. See the rejection of claim 1 above.

Sato teaches:

wherein said data delivered by said server is music data (i.e. the data requested by the user terminal is music data, see paragraph 0056).

However, Sato does not teach a unit operable to display information about music pieces already written to said recordable medium and a number of music pieces which can be written to a free space of said recordable medium.

Keller, on the other hand, teaches a unit operable displays information about music pieces already written to said recordable medium (e.g. compact disc recorder displays music data that was written on

disk, Fig. 8) and a number of music pieces which can be written to a free space of said recordable medium (col 15 lines 11-22).

It would have been obvious to one of ordinary skilled in the art at the time of invention was made to modify the communication system in view of Sato to include information that was already written on disk being displayed by the recorder taught in Keller. One would be motivated to combine these teachings because the music pieces that are being displayed show how much space was used on the disk and how much free space is left, referring to figure 8 in Keller teachings.

47. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Kato et al. (US 5,886,275) (referred to Kato hereafter) in further of Sushima et al. (US 2004/0210646) .

48. Regarding claim 27, the combination in view of Sato and Kato taught a system wherein said writer unit (e.g. user terminal/disk drive) is implemented within said karaoke playback system (Kato, Fig 3),

However, the combination in view of Sato and Kato do not teach second proprietary interface serves also as said third proprietary interface.

Sushima, on the other hand, teaches a second proprietary interface serves also as said third proprietary interface (SCSI, Fig. 2a, and paragraph 0037, e.g. SCSI card serves as an interface).

It would have been obvious to one of ordinary skilled in the art at the time of invention was made to modify the communication system in view of Sato and Kato to include the proprietary interface to serve as another interface taught by Sushima. One would be motivated to combine these teachings because any type of interface network card to used to connect to writer unit such as a hard drive to download any kind of music data to play on the playback system.

49. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0041123) in view of Moritomo (US 7,206,821).

50. Regarding claim 29, Sato teaches a communication system, comprising:

a memory cartridge (e.g. CD-R/removable storage medium (63)) having a first proprietary interface (e.g. I/O interface (67)) for accessing data contained therein (i.e. I/O interface for accessing the information, see Figure 12);

a content server connected to a network and providing a content delivery service on the network (i.e. the website server connected to the network provides the delivery service (20), Fig. 1);

wherein said writer unit writes said content only once in a writable storage area of said memory cartridge, where data has not been written [e.g. CD-R], only when said memory cartridge is appropriate for said content delivery system (i.e. the user terminal can write data once in a storage area of CD-R disc appropriate for recording downloaded content data, see paragraph 0033 [Sato]); and

a writer (e.g. user terminal) having a facility for receiving content (communication unit [47]) used to download information a computer from said content server through the network (Sato, see paragraph 0080-0081).

However, Sato does not teach a content using system which is distributed to a user of said content and provided with a second proprietary interface compatible with and connectable to said first proprietary interface of said memory cartridge for reading content there from and using the content; and provided with a third proprietary interface compatible with and connectable to said first proprietary interface, and configured to write the content to said memory cartridge.

Moritomo, on the other hand, teaches a content using system which is distributed to a user of said content and provided with a second proprietary interface compatible with and connectable to said first

proprietary interface of said memory cartridge for reading content there from and using the content (Moritomo, col 3 lines 37-49 col 5 lines 2-28, EIDE and SCSI are the interfaces or buses which are known in the art used to read the data from the memory cartridge to the playback system, Fig. 3A and 3B); and

provided with a third proprietary interface compatible (e.g. SCSI) with and connectable to said first proprietary interface, and configured to write the content to said memory cartridge (Moritomo, col 13 lines 57-58, e.g. storage medium).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the communication system of Sato to include first, second, and third proprietary interfaces connectable to memory cartridge for reading content there from and using the content taught by Moritomo. One would be motivated to combine these teachings because providing theses proprietary interfaces are well known in the art for receiving and transmitting content data to terminals.

Response to Arguments

51. Applicant's arguments filed 2/12/2008, with respect to the rejections of claim(s) 1, 6, 9, 12, 18-21, and 23 under 102(e) and claims 2-5, 7-11, 13-17, 24-27, and 29 under 103(a). The applicant's argument towards amendment of claim 1, " wherein said writer unit writes said data only once in each writable storage area, where data has not been written, of said recordable medium only when said recordable medium is appropriate for said data delivery system" have been considered persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sato regarding the independent claim 1 with references Morimoto, Heemskerk, Turpin, Hsu, Kobayashi, Hensley, Disjuggler User's Gude, Okamura, Sako, Keller, Sushima, and Kato.

Also, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. billing type system in which a user has the desire of continue purchasing recordable mediums) are not recited in the rejected

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claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

52. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARAK NISSAN whose telephone number is (571)270-3632. The examiner can normally be reached on Mon-Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)-272-3836. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Barak Nissan
Patent Examiner

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142